IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

ARTAVIAS EDWARDS §

v. § CIVIL ACTION NO. 6:16cv242

BRAD LIVINGSTON, ET AL.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Artavias Edwards, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On September 1, 2016, Edwards was ordered to file an amended complaint alleging specific facts that both allow the court to draw the reasonable inference that the individual defendants are liable for the harm alleged and that defeat a qualified immunity defense with equal specificity. Edwards has not complied with this order although he was granted an extension of time to December 15, 2016. He filed a motion for leave to file an amended complaint on November 21, 2016, but this motion asked to be allowed to add additional claims and made no mention of the claims which Edwards had been ordered to clarify. He did not attach a proposed amended or supplemental complaint to this motion.

On January 10, 2017, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Edwards at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those

findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate

review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted

by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th

Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is

"clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 37) is **ADOPTED** as the

opinion of the District Court. It is further

ORDERED that the above-styled civil action is DISMISSED WITHOUT PREJUDICE

for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby

DENIED.

So Ordered and Signed

Feb 22, 2017

Ron Clark, United States District Judge

Rm Clark

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